Key No.: 164-034000-0010

State ID No.: 79-07-19-300.000-026 Last Transfer: 5/12/1978, DR 78 pg 2334

Project:

Harrison Street

Parcel No.:

01 & 01A

County:

Tippecanoe

Owner:

The Trustees of Purdue University

#### GRANT OF PERPETUAL EASEMENT FOR ROAD AND DRAINAGE FACILITIES

THE TRUSTEES OF PURDUE UNIVERSITY ("Grantor"), a body corporate created and existing under the laws of the State of Indiana Hovde Hall, Room 247, 610 Purdue Mall, West Lafayette, IN 47907-2040, in consideration of the mutual covenants set forth and other valuable consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged, Grantor for itself, its successors and assigns, does hereby give, convey, and grant to CITY OF WEST LAFAYETTE ("Grantee"), 609 West Navajo Street, West Lafayette, IN 47906, and to its successors and assigns, a PERMANENT AND PERPETUAL NON-EXCLUSIVE RIGHT-OF-WAY AND EASEMENT (the "Easement"), with the right, privilege, and authority in Grantee to install, lay, operate, maintain, inspect, remove, repair, replace, relay and add to, from time to time:

- (a) roadway, including, road, curbs, gutters, sidewalks, and related facilities; and
- (b) storm water drainage utilities, service, and facilities, including one (1) underground storm water drainage main pipeline, manhole, surface outlet, rip-rap, sediment trap, and related facilities and appurtenances thereto, all of which all of which shall be for the sole purpose of storm water management, and all of which shall be underground except only the surface improvements of the type and at the locations more particularly shown on EXHIBIT B;

(collectively, the "Facilities"), in, under, upon, along and over certain strips of land situated in Wabash Township, Tippecanoe County, Indiana, more particularly described in <u>EXHIBIT A</u> and more particularly shown on <u>EXHIBIT B</u> (the "Easement Area").

Project:

Harrison Street

Parcel No.:

01 & 01A Tippecanoe

County: Owner:

The Trustees of Purdue University

Grantor further grants Grantee the right of ingress and egress to and from the Easement Area over the adjoining lands of the Grantor for all purposes necessary and incidental to the exercise by Grantee of the specific activities authorized herein.

Such grants are subject to any and all existing easements, rights-of-way, and other restrictions of record.

The Easement is a NON-EXCLUSIVE easement, and Grantor herein reserves the right to grant similar easements to parties other than Grantee. Grantor may, at any time at its expense, relocate the Easement Area or portions thereof and any Facilities constructed thereon provided Grantee or a contractor approved by Grantee performs the relocation work and that Grantee approves the new location of the Easement Area. Grantee's approval of the contractor and/or new location of the Easement Area shall not be unreasonably withheld.

Grantor hereby covenants that it is the owner in fee simple of the Easement Area, is lawfully seized thereof, and has good right to grant and convey the Easement herein subject to any and all easements, rights-of-way, and other restrictions of record.

Grantor reserves the full use and enjoyment of the Easement Area not inconsistent herewith. Grantor reserves the right to construct streets, sidewalks, parking lots, structures (but, not buildings), and utilities across, over and along the Easement Area. Grantor may not erect or place any buildings across or over the Easement Area. The Grantor may, as a courtesy, advise the Grantee regarding improvements in the Easement Area and when other "uses" in the Easement Area are approved by the Grantor.

Grantee's installation, construction, patrolling, maintenance, repair, revision, supplementation, removal, and/or replacement of the Facilities in the Easement Area (collectively, "Grantee's Work") shall be done as to have a minimal impact on uses of and improvements in the Easement Area and the adjoining lands of Grantor. Except in regard to patrolling which requires no prior notice, Grantee shall notify Grantor in writing at least thirty (30) business days prior to Grantee's Work, as well as exercise of its right of ingress and egress to and from the Easement Area over the adjoining lands of Grantor in connection with Grantee's Work. Grantee will attempt to notify Grantor as soon as possible as to any emergency Grantee's Work. Except for any emergency Grantee's Work, said advance notice shall include engineering plans for Grantee's Work. Grantor reserves the right to review Grantee's plans for Grantee's Work and request any reasonable modification to them that is in accordance to protect the integrity of the Easement Area and the adjoining lands of Grantor, and minimize impact thereon. The timing of Grantee's Work shall be conducted in coordination with Grantor as to avoid interference with Grantor's uses of its property. Provided Grantor or Grantor's contractor does not alter the grade of the land in the Easement Area, Grantee agrees that the Facilities in the Easement Area shall be maintained at the depth provided in the plans and specifications for the original construction and installation of the Facilities which were approved by Grantor and Grantee as to not interfere with the other uses of the Easement Area as well as the adjoining lands of Grantor.

Grantee agrees that upon the completion of any construction, reconstruction, modification, supplementation, maintenance, operation, and/or removal of the Facilities in the Easement Area, Grantee shall restore the Easement Area and any areas of Grantor's property disturbed by Grantee. Grantee shall grade, seed, and mulch the same, closing all excavations with proper backfill and compaction, and replacing, with similar quality or better, any and all then existing improvements, landscaping, driveways, parking lots, sidewalks,

Project:

Harrison Street

Parcel No.: County:

01 & 01A Tippecanoe

Owner:

The Trustees of Purdue University

drainage tiles, utility lines, and other appurtenances on, under, through, or over the Easement Area and/or the disturbed areas of Grantor's property at no expense to Grantor.

Grantee may not remove or trim any trees, brush, or other landscaping in the Easement Area without the prior written consent of Grantor.

Excepting Grantor's negligence and the negligence of Grantor's employees, contractors, agents and invitees, Grantee shall and will indemnify, defend, and save Grantor harmless from and against any and all damage, injuries, losses, claims, demands or costs resulting from the construction, erection, installation, maintenance, operation, repair, replacement or renewal of the Facilities, over and across the Easement Area by Grantee, its agents, representatives, employees, contractors, or invitees.

Grantor reserves unto itself the ownership of said Easement Area, and the full and unrestricted use thereof insofar as the same does not and will not conflict with the use of the same as herein granted unto the Grantee.

If Grantee no longer uses the Easement Area for twelve (12) consecutive months, this Grant of Easement shall terminate and Grantee will restore the area to a condition similar to when this Grant of Easement was first executed.

In the event either party will be compelled to employ an attorney to enforce the provisions of this Grant of Easement, the parties agree that the non-defaulting party will be entitled to all of his reasonable legal costs and expenses, including reasonable attorney fees, incurred thereby.

This Grant of Easement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto. Grantee may only assign this Easement with written approval of Grantor.

The undersigned person executing this Grant of Easement on behalf of Grantor represents and certifies that the undersigned is a duly elected officer of Grantor, and has been fully empowered by proper Resolution or the By-Laws of Grantor to execute and deliver this Grant of Easement; that Grantor is a body corporate created and existing under the laws of the State of Indiana; that Grantor has filed all corporate annual reports, to the extent required, with the Secretary of State in the state of Indiana; that Grantor has full corporate capacity to make this Grant of Easement; and that all necessary corporate action for the making of this Grant of Easement has been duly taken.

Project:
Parcel No.:
County:
Owner:

Harrison Street

01 & 01A
Tippecanoe
The Trustees of Purdue University

a body corporate created and existito be executed by its duly authorized					ıent	
GRANTOR:		THE TRUSTEES OF PURDUE UNIVERSITY, a body corpor created and existing under the laws of the State of Indiana				
	By:	Al V. Diaz Treasurer		<u> </u>		
STATE OF INDIANA	) ) SS:					
COUNTY OF TIPPECANOE	)					
, 2010 personally appears and existing under the laws of the sexecution of the foregoing Grant of sworn, stated that the representation IN WITNESS WHEREOF,	State of Indians f Easement for ns therein cont	a, by Al V. Diaz, its and on behalf of satained are true.	s Treasurer, who a aid Grantor, and w	acknowledged the who, having been duly		
	Sign	ature:				
	Print	ted Name:				
C ( CD : 11		•	No	tary Public		
County of Residence:						
My Commission Expires:						

Project:

Harrison Street

Parcel No.:

01 & 01A Tippecanoe

County: Owner:

The Trustees of Purdue University

### This document was prepared by:

Marianne Mitten Owen, Esq., of the firm of STUART & BRANIGIN LLP 300 Main Street Suite 900 P.O. Box 1010 Lafayette, IN 47902-1010

Telephone:

(765) 423-1561

E-Mail:

mmo@stuartlaw.com

Attorney No.: 16161-53

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (Marianne Mitten Owen).

NOTE: THE FILING OF A SALES DISCLOSURE FORM 46021 (R 8/7/08) IS NOT REQUIRED IN ORDER TO RECORD THIS INSTRUMENT BECAUSE THIS IS A GIFT, CONVEYANCE, GRANT, AND/OR ASSIGNMENT OF AN INTEREST IN REAL PROPERTY FOR NO CONSIDERATION BEYOND NOMINAL CONSIDERATION RECITED IN THIS DOCUMENT.

# EXHIBIT A

# LEGAL DESCRIPTION EASEMENT AREA

(See attached.)

Sheet: 1 of 5

Project: DEM-0501163

Parcel: 1 Fee Form: WD-1

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 19, Township 23 North, Range 4 West, Wabash Township, Tippecanoe County, Indiana, being that part of the grantor's land lying within the right-of-way lines depicted on the attached Route Survey Plat marked Exhibit "B", described as follows:

Commencing at the southeast corner of the southwest quarter of said section 19, designated as point "20" on said plat; thence North 0 degrees 23 minutes 25 seconds West (basis of bearings) 1,329.72 feet along the east line of said southwest quarter to the southeast corner of the north half of said southwest quarter and the POINT OF BEGINNING of this description; thence North 88 degrees 19 minutes 25 seconds West 380.13 feet along the south line of said north half to an eastern line of the grantor's land; thence South 0 degrees 19 minutes 08 seconds West 71.28 feet along said eastern line; thence North 89 degrees 37 minutes 20 seconds West a distance of 87.19 feet to the point designated as "7100" on said plat; thence South 88 degrees 08 minutes 20 seconds West 596.34 feet to the point designated as "7101" on said plat; thence South 76 degrees 11 minutes 52 seconds West 275.67 feet to the point designated as "7102" on said plat; thence North 88 degrees 00 minutes 54 seconds West 480.96 feet to the point designated as "7103" on said plat; thence South 34 degrees 58 minutes 41 seconds West 55.51 feet to the point designated as "7104" on said plat; thence North 0 degrees 47 minutes 09 seconds East 227.44 feet to the south line of the north half of said southwest quarter and the point designated as "7105" on said plat; thence North 88 degrees 19 minutes 25 seconds West 137.80 feet along said south line to the point designated as "7106" on said plat; thence South 0 degrees 47 minutes 15 seconds West 201.29 feet to R:\4478\DOCUMENT\ROW\RWENG\LEGALS\4478P01.doc

Sheet: 2 of 5

Project: DEM-0501163

Parcel: 1 Fee Form: WD-1

the point designated as "7107" on said plat; thence North 32 degrees 32 minutes 16 seconds West 243.38 feet to the point designated as "7108" on said plat; thence North 33 degrees 51 minutes 04 seconds East 69.99 feet to the point designated as "7109" on said plat; thence South 82 degrees 57 minutes 28 seconds East 108.02 feet to the point designated as "7110" on said plat; thence North 33 degrees 12 minutes 24 seconds East 117.78 feet to the point designated as "7111" on said plat; thence South 88 degrees 0 minutes 54 seconds East 60.00 feet to the point designated as "7112" on said plat; thence South 19 degrees 27 minutes 02 seconds East 123.55 feet to the point designated as "7113" on said plat; thence South 52 degrees 21 minutes 49 seconds East 57.84 feet to the point designated as "7114" on said plat; thence South 88 degrees 19 minutes 25 seconds East 455.01 feet to the point designated as "7115" on said plat; thence North 59 degrees 15 minutes 49 seconds East 30.08 feet to the point designated as "7116" on said plat; thence South 88 degrees 00 minutes 54 seconds East 38.01 feet to the point designated as "7117" on said plat; thence South 57 degrees 25 minutes 01 seconds East 31.00 feet to the point designated as "7118" on said plat; thence South 88 degrees 19 minutes 25 seconds East 100.00 feet to the point designated as "7119" on said plat; thence North 84 degrees 49 minutes 04 seconds East 322.52 feet to the point designated as "7120" on said plat; thence South 88 degrees 00 minutes 54 seconds East 386.53 feet to the point designated as "7121" on said plat; thence South 88 degrees 26 minutes 24 seconds East 84.45 feet to the point designated as "7122" on said plat; thence North 46 degrees 02 minutes 03 seconds East 27.96 feet to the point designated as "7123" on said plat; thence South 89 degrees 31 minutes 50 seconds East 60.01 feet to the point

R:\4478\DOCUMENT\ROWRWENG\LEGALS\4478P01.doc

Sheet: 3 of 5

Project: DEM-0501163

Parcel: 1 Fee Form: WD-1

designated as "7124" on said plat; thence South 43 degrees 41 minutes 16 seconds East 21.45 feet to the point designated as "7125" on said plat; thence South 88 degrees 02 minutes 45 seconds East 259.42 feet to the point designated as "7126" on said plat; thence South 1 degree 22 minutes 03 seconds West 34.79 feet to the point designated as "7127" on said plat; thence South 88 degrees 59 minutes 42 seconds East 266.56 feet to the point designated as "7128" on said plat; thence North 1 degree 00 minutes 18 seconds East 10.00 feet to the point designated as "7129" on said plat; thence North 49 degrees 20 minutes 30 seconds East 37.61 feet to the point designated as point "7130" on said plat; thence South 89 degrees 24 minutes 19 seconds East 37.37 feet to the east line of the grantor's land and the point designated as "7131" on said plat; thence South 0 degrees 23 minutes 25 seconds East 45.88 feet to the south line of half-quarter section; thence North 88 degrees 19 minutes 47 seconds West 368.62 feet along said south line to the POINT OF BEGINNING, containing 0.146 of an acre from tax parcel number 134-06000-0107, 1.520 acres from tax parcel number 134-06000-0030, 4.764 acres from tax parcel number 164-03400-0010 and a total of 6.430 acres, more or less, inclusive of the presently existing right of way which contains 1.141 acres, more or less.

R:\4478\DOCUMENT\ROWRWENG\LEGALS\4478P01.doc

Sheet: 4 of 5

Project:

DEM-0501163

Parcel:

1 Fee

Form:

WD-1

This description was prepared for the City of West Lafayette by Butler, Fairman & MINIMATES A. A. H.

Seufert, Inc.

Given this

day of April, 2010.

Registered Land Surveyor.

State of Indiana, No. 29700005

R:\4478\DOCUMENT\ROW\RWENG\LEGALS\4478P01.doc

Sheet: 5 of 5

Project: DEM-0501163

Parcel: 1A Fee Form: WD-1

A part of Lot 8 and Lot 9 in Silas Steely's Subdivision of Oakwood, the plat of which is recorded in Plat Book 1, Page 12 in the Office of the Recorder of Tippecanoe County, Indiana, located in the Southeast Quarter of Section 19, Township 23 North, Range 4 West, Wabash Township, Tippecanoe County, Indiana, being that part of the grantor's land lying within the right-of-way lines depicted on the attached Route Survey Plat marked Exhibit "B", described as follows:

Beginning at the northeast corner of said Lot 8; thence South 0 degrees 56 minutes 58 seconds East (basis of bearings) 30.01 feet along the eastern line of said lot to the point designated as "7302" on said plat; thence North 43 degrees 29 minutes 22 seconds West 34.93 feet to the point designated as "7301" on said plat; thence North 89 degrees 11 minutes 30 seconds West 106.31 feet to the west line of said Lot 9; thence North 0 degrees 31 minutes 39 seconds West 5.00 feet along said west line to the north line of said Lot 9; thence South 89 degrees 11 minutes 30 seconds East 129.90 feet along said north line and along the north line of said Lot 8 to the POINT OF BEGINNING, containing 0.022 acres, more or less.

This description was prepared for the City of West Lafayette by Butler, Fairman & Seufert, Inc.

Given this

Baltson

Registered Land Surveyor

State of Indiana, No. 29700005

R:\4478\DOCUMENT\ROW\RWENG\LEGALS\4478P01A.doc

day of April, 2010.

# EXHIBIT B

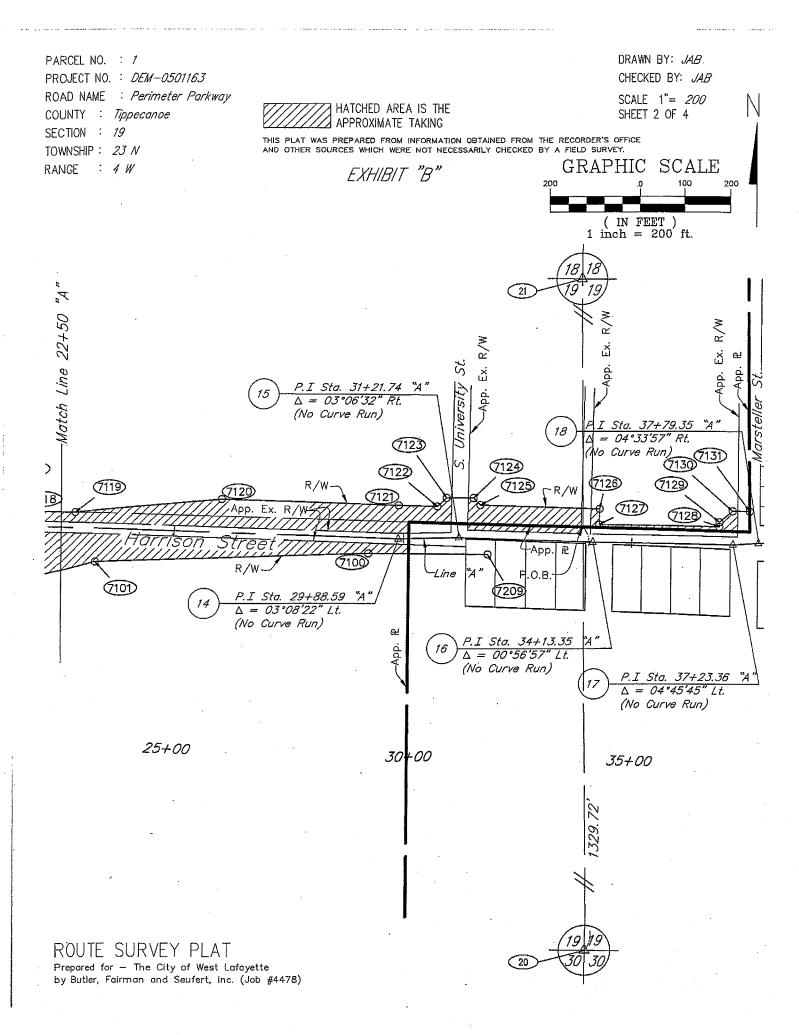
# DRAWING SHOWING EASEMENT AREA

(See attached.)

DRAWN BY: JAB PARCEL NO. : 1 OWNER: Trustees of Purdue University INSTRUMENT NO. Deed Record 78, Page 2334 DATED 05/08/1978 PROJECT NO. : *DEM-0501163* CHECKED BY: JAB Deed Book 55, Page 96 DATED 12/21/1869 ROAD NAME : Perimeter Parkway SCALE: 1"= 200 HATCHED AREA IS THE COUNTY : Tippecanoe SHEET 1 OF 4 APPROXIMATE TAKING SECTION: 19 THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE TOWNSHIP: 23 N AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY. GRAPHIC SCALE RANGE : 4 W EXHIBIT "B" 200 100 200 ( IN FEET ) 1 inch = 200 ft. tract line App. section line South Intramural Russell Drive **(7109)** (7111) (7112) South -S. line, N. 1/2, S.W. 1/4 App. Ex. R/W 7117 (7116) **(7108)** 7106 11 R/W others R/W (7103) Sta. 14+15.03 "A" (7102) 31°51'58" Rt. (7104) R/W by -App. tract line 15+00 20+00 -App. section line

ROUTE SURVEY PLAT

Prepared for — The City of West Lafayette by Butler, Fairman and Seufert, Inc. (Job #4478)



PARCEL NO. : 1

PROJECT NO. : *DEM-0501163* 

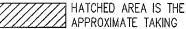
ROAD NAME : Perimeter Parkway

COUNTY: Tippecanoe

SECTION: 19

TOWNSHIP: 23 N

**RANGE** : 4 W



THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

# EXHIBIT "B"

PARCEL COORDINATE CHART							
POINT	STATION	OFFSET	CL	NORTH	EAST		
7100	29+25.00	35.00 F	t. Line "A"	1883846.3311	2999129.5655		
7101	23+30.00	75.00 F	t. Line "A"	1883826.9641	2998533.5371		
7102	20+64.73	150.00 F	t. Line "A"	1883761.1973	2998265.8285		
7103	15+83.77	150.00 F	t. Line "A"	1883777.8563	2997785.1570		
7104	15+53.54	196.56 F	t. Line "A"	1883732.3689	2997753.3324		
7105	15+48.78	30.82 L	t. Line "A"	1883959.7829	2997756.4512		
7106	14+05.03	14.82 L	t. Line "A"	1883963.8141	2997618.7070		
7107	14+47.26	180.00 R	t. Line "A"	1883762.5456	2997615.9409		
7108	12+87.04	44.99   R	t. Line "A"	1883967.7261	2997485.0364		
7109	12+87.04	25.00 L	t. Line "A"	1884025.8534	2997524.0242		
7110	14+00.00	65.00   L	t. Line "A"	1884012.6101	2997631.2305		
7111	14+53.75	177.58 L	t. Line "A"	1884111.1537	2997695.7322		
7112	15+42.85	180.00 L		1884109.0756	2997755.6918		
7113	15+88.00	65.00 L	t. Line "A"	1883992.5808	2997796.8315		
7114	16+35.00	31.29 L	t. Line "A"	1883957.2605	2997842.6355		
7115	20+90.00	33.74 L	t. Line "A"	1883943.9497	2998297.4474		
7116	21+15.31	50.00 L	t. Line "A"	1883959.3253	2998323.3055		
7117	21+53.32	50.00 L	t. Line "A"	1883958.0088	2998361.2927		
7118	21+80.00	34.22 L	Line "A"	1883941.3168			
7119	22+80.00	34.76 L	. Line "A"	1883938.3913	2998487.3689		
7120	26+00.00	75.00 L		1883967.5221	2998808.5706		
7121	29+86.53	75.00 L		1883954.1335	2999194.8710		
7122	30+75.00	71.00 L		1883951.8342	2999279.2944		
7123	30+95.51	90.00 L		1883971.2436	2999299.4174		
7124	31+50.66	90.00 L		1883970.7520	2999359.4286		
7125	31+66.00	75.00 L		1883955.2376	2999374.2482		
7126	34+26.66	74.79   Li	. Line "A"	1883946.3915	2999633.5174		
7127	34+26.44	40.00 Li	. Line "A"	1883911.6110	2999632.6871		
7128	36+93.00	40.00 Lt		1883906.9350	2999899.2061		
7129	36+93.00	50.00 L		1883916.9335	2999899.3815		
7130	37+27.33	74.93 L		1883941.4367	2999927.9111		
7131	37+64.59	72.09 Lt		1883941.0488	2999965.2777		
7209	31+86.31	35.00 R	. Line "A"	1883844.6090	2999390.7954		

SEE LOCATION CONTROL ROUTE SURVEY PLAT FOR POINTS: 20, 21, 11, 13, 14, 15, 16, 17 AND 18

NOTE: STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES AND BEARINGS AND DISTANCES.

#### SURVEYORS STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as Instrument # 201010000374 in the Office of the Recorder of Tippecanoe County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

ROUTE SURVEY PLAT

Prepared for - The City of West Lafayette by Butler, Fairman and Seufert, Inc. (Job #4478) L.S. 29700005

HIMMES A. BUY

DRAWN BY: JAB

CHECKED BY: JAB

SCALE 1"= n/a

SHEET 3 OF 4

PARCEL NO. : 1

PROJECT NO. : *DEM-0501163* 

ROAD NAME : Perimeter Parkway

COUNTY : Tippecanoe

SECTION: 19 TOWNSHIP: 23 N **RANGE** 

OWNER: The Trustees of Purdue University

INSTRUMENT NO. Deed Book 174, Pg. 120 DATED 06/13/1930

DRAWN BY: JAB

CHECKED BY: JAB

SCALE: 1"= 60'

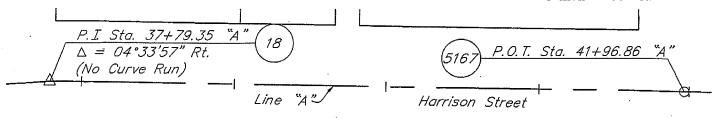
HATCHED AREA IS THE APPROXIMATE TAKING

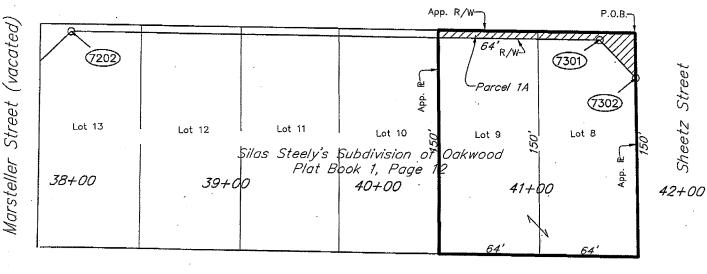
SHEET 4 OF 4

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

EXHIBIT "B"

GRAPHIC SCALE IN FEET 1 inch = 60





	PARC	EL COOR	DIN	ATE CI	HART	٠.	·
POINT	STATION	OFFSE	T	CL	NORTH	EAST	
7202	37+97.79	45.00	Rt.	Line "A"	1883824.8221	3000002.5354	
7301	41+45.00	45.00	Rt.	Line "A"	1883819.9238	3000349.7081	
7302	41+69.40	70.00	Rt.	Line "A"	1883794.5821	3000373.7476	
	OCATION CONTROL	· · · · · · · · · · · · · · · · · · ·		···			WILLIAM S. S. BUT
	IATES AND BEARING				JK I H AND EAST	in the state of th	No. 29700005
ΔΤΕΜΕΝΙΤ	•						STATE OF

#### SURVEYORS STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as Instrument # 201010000374 in the Office of the Recorder of Tippecanoe County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

## ROUTE SURVEY PLAT

Prepared for - The City of West Lafayette by Butler, Fairman and Seufert, Inc. (Job #4478) L.S. 29700005

Sheetz Streel